

# **PX-4**

# **Excerpts**

UTILITY SERIAL NUMBER 288577		PATENT DATE FEB 19 2004		PATENT NUMBER	
SERIAL NUMBER 03/288,577	FILING DATE 08/10/94	CLASS 364	SUBCLASS 26	ART UNIT 2761	EXAMINER Cosimano
APPLICANT: JAMES M. JOHNSON, BRIDGEVILLE, PA; ROBERT P. KINROSS, BEN AVON, PA; FRANCIS J. MELLY, PITTSBURGH, PA; DOUGLAS A. MOYER, UPPER ST. CLAIR, PA.					
**CONTINUING DATA** VERIFIED <i>He none</i>					
**PRIORITY APPLICATIONS** VERIFIED <i>He none</i>					
FOREIGN FILING LICENSE GRANTED 12/14/94					
Foreign priority claimed 35 USC 119 conditions met		<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	AS FILED	STATE OR COUNTRY PA	OTHER CLAIMS 5
Verified and Acknowledged		EXAMINER'S INITIALS FRC	TOTAL CLAIMS 78	FILING FEE RECEIVED \$4,114.00	ATTORNEY'S DOCKET NO. F92
ADDRESS: LAURENCE S. ROGERS FISH & NEAVE 1251 AVENUE OF THE MCCLAY NEW YORK NY 1002					
TITLE: ELECTRONIC SOURCING SYSTEM AND METHOD					
U.S. DEPT. of COMMERCE & TM OFFICE - PRO-138L (rev. 10-78)					
PARTS OF APPLICATION FILED SEPARATELY		Applications Examiner			
NOTICE OF ALLOWANCE MAILED 11-20-98		CLAIMS ALLOWED Total Claims 45 Print Claim 1			
ISSUE FEE Amount Due 21210.00 Date Paid 12-1-98		DRAWING Sheets Drwg. 5 Figs. Drwg. 5 Print Fig. 1A, 1B, 1C			
Label Area		ISSUE BATCH NUMBER L77			
		PREPARED FOR ISSUE			
WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 151 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.					

Form PRO-138L (Rev. 9/92)

**ISSUE FEE IN FILE**

Formal Drawings ( 5 sheets ) all

(FACE)

ARIB 503677

PLAINTIFF'S  
EXHIBIT

4

EP150276

ePLUS0703539



#3,984.00 101 R  
08/288577

Express Mailing Label  
No. EG204717525US

FS-2

ELECTRONIC SOURCING SYSTEM AND METHOD

5 Background of the Invention

This invention relates to systems and methods for interfacing product information, such as is typically found in vendor catalogs that are provided to customers, and requisition/purchasing systems and methods that may use the results of searches of product information.

There are a number of known requisition/purchasing systems that manage and process requisitions and purchase orders. One such system is the Fisher Scientific Requisition and Inventory Management System ("Fisher RIMS"), described in <sup>U.S. Patent No. 5,712,437</sup> ~~co-pending patent~~ application Serial No. 08/042,168, filed April 2, 1993 and assigned to Fisher Scientific Company of Pittsburgh, Pennsylvania, the disclosure of which is incorporated herein by reference. As its title suggests, Fisher RIMS can also manage inventory. In the Fisher RIMS system, requisition records are created from a real-time interaction between a host computer (generally a mainframe) and a local computer (generally at a customer site), with each computer using data from its own respective database of inventory in conjunction with information entered by a customer service representative operating the local computer. By accessing its respective database, each computer can build and transmit to the other computer communications blocks of data relating to a particular requisition of an item in inventory (or to the management of the inventory itself). The other computer can then use the received data to continue processing of the requisition. Thus, requisition records are created from a real-time interaction between the host and local

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The priority is as follows: (1) part (catalog) number; (2) keyword; and (3) page number. The search will start with priority (1) and proceed through priority (3) in sequence until a search produces products matching the search criteria. At that time, the search will return the matching product information to requisition/purchasing system 40 and stop at the highest priority resulting in a match.

The operation of electronic sourcing system 5 of the present invention will now be more particularly described in the context of FIGS. 1A, 1C, 2 and 3. In FIGS. 2 and 3, the rectangles represent data screens as well as programs associated with those data screens. The rounded rectangles represent programs not associated with data screens such that, while these programs are running, the prior data screen may remain visible without; necessarily, being operational for the input of data. The programs associated with the data screens enable the user of local computer 20 to display and modify the contents of various tables associated with particular data screens. The following description illustrates the use of the Fisher RIMS system as requisition/purchasing system 40, and the TV/2 search program as search program 50. However, it will be understood that the present invention is not limited to such system or program.

Preferably, a user will start the electronic sourcing system 5 from Fisher RIMS system 40. Requisitioning on Fisher RIMS system 40 in context of the electronic sourcing system 5 of the present invention is illustrated in pertinent part in FIG. 3 (and is fully described in <sup>U.S. Patent No. 5,712,989</sup> ~~Application Serial No. 08/042,188~~). As data (e.g., Account Number, Requisition Number and Stock Numbers) associated with a single requisition are entered through the various data

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ePLUS0703575

<b>Office Action Summary</b>		Application No. 08/288,577	Applicant(s) Johnson et al
		Examiner Edward R. Cosimano	Group Art Unit 2781
<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Apr 9, 1998</u>			
<input type="checkbox"/> This action is FINAL.			
<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.			
<p>A shortened statutory period for response to this action is set to expire <u>THREE</u> month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).</p>			
<b>Disposition of Claims</b>			
<input checked="" type="checkbox"/> Claim(s) <u>79-129</u> is/are pending in the application.			
Of the above, claim(s) <u>none</u> is/are withdrawn from consideration.			
<input checked="" type="checkbox"/> Claim(s) <u>101-107 &amp; 129</u> is/are allowed.			
<input checked="" type="checkbox"/> Claim(s) <u>79, 80, 82-86, 88-97, 99, 100, 108, 109, 111-115, 117-120, 122-125, 127 &amp; 128</u> is/are rejected.			
<input checked="" type="checkbox"/> Claim(s) <u>81, 87, 98, 110, 116, 121 &amp; 126</u> is/are objected to.			
<input type="checkbox"/> Claims _____ are subject to restriction or election requirement.			
<b>Application Papers</b>			
<input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.			
<input checked="" type="checkbox"/> The drawing(s) filed on <u>Aug 10, 1994</u> is/are objected to by the Examiner.			
<input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.			
<input checked="" type="checkbox"/> The specification is objected to by the Examiner.			
<input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
<b>Priority under 35 U.S.C. § 119</b>			
<input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).			
<input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been			
<input type="checkbox"/> received.			
<input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____			
<input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).			
*Certified copies not received: _____			
<input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).			
<b>Attachment(s)</b>			
<input checked="" type="checkbox"/> Notice of References Cited, PTO-892			
<input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____			
<input type="checkbox"/> Interview Summary, PTO-413			
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948			
<input type="checkbox"/> Notice of Informal Patent Application, PTO-152			
<b>ARIB 503858</b>			
— SEE OFFICE ACTION ON THE FOLLOWING PAGES —			

U. S. Patent and Trademark Office  
PTO-326 (Rev. 9-95)

Office Action Summary

Part of Paper No. 11

EP150457

ePLUS0703720

Serial No. 08/288,577

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Art Unit 2761

1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.
2. The use of various trademark(s) at page(s) 2, 7, 9, 10, 11, 33-35 & 37 has been noted in this application. Any trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.
- 2.1 Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.
3. The drawings are objected to because:

A) the following errors have been noted in the drawings:

(1) the drawings lack programs 44 as disclosed at:

(a) page 7, lines 24, 25 & 31;

(b) page 8, lines 9 & 12; and

(c) page 13, line 24;

and as required by 37 CFR § 1.84(p(5)).

(2) the drawings lack reference number 81 as disclosed at page 33, line 5,  
and as required by 37 CFR § 1.84(p(5)).

Correction is required.

3.1 Applicant is required to submit a proposed drawing correction in response to this Office action (37 CFR § 1.123). However, correction of the noted defect can be deferred until the application is allowed by the examiner.

4. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the application data on page 12,

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) the following errors have been noted in the specification:

(1) appendices I through X (1-10) lack the margins required by 37 CFR § 1.52(b). (Note pages 13-16, 18, 19, 21-25 & 28-34 which mention the

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ePLUS0703721

Serial No. 08/288,577

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Art Unit 2761

appendices).

Appropriate correction is required.

5. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, & § 1.84(o,p(5)).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.1 Claims 79, 80, 82-86, 88-97, 99, 100, 108, 109, 111-115, 117-120, 11-125, 127 & 128 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Dworkin (4,992,940).

6.1.1 In regard to claims 79, 80, 82-86, 88-97, 99, 100, 108, 109, 111-115, 117-120, 11-125, 127 & 128, Dworkin ('940) discloses a centralize ordering system which search through a database which contains a number of different vendor catalogs. The results of the search are returned to the user, which may purchase the selected items.

7. Art of interest, which does not teach or suggest;

A) converting items found in one vendor's catalog to another vendor, (claims 81, 87, 98, 110, 116, 121 & 126), or

B) searching only sections of the database (claims 101-107 & 129),

is cited by the examiner.

8. Response to applicant's arguments.

8.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

9. Claims 81, 87, 98, 110, 116, 121 & 126 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

ARIB 503860

EP150459

ePLUS0703722

Serial No. 08/288,577

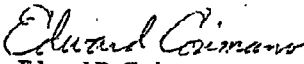
Art Unit 2761

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached on (703)-305-9711. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11.1 The fax phone number for **UNOFFICIAL FAXES** for this group is (703) 308-5357.

11.2 The fax phone number for **OFFICIAL FAXES** for this group is either (703) 308-9051 or (703) 308-9052.

05/26/98

  
Edward R. Cosimano  
Primary Examiner A.U. 2761

ARIB 503861

EP150460

ePLUS0703723



<b>Notice of References Cited</b>				Application No. <b>08/288,677</b>		Applicant(s) <b>Johnson et al</b>	
				Examiner <b>Edward R. Cosimano</b>		Group Art Unit <b>2761</b>	
						Page 1 of 1	
<b>U.S. PATENT DOCUMENTS</b>							
		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
	A	4,897,887	01/1990	Foster et al	379	93.12	
	B	5,305,199	04/1994	LoBlendo et al	705	28	
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						
	M						
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	N						
	O						
	P						
	Q						
	R						
	S						
	T						
<b>NON-PATENT DOCUMENTS</b>							
		DOCUMENT (including Author, Title, Source, and Periodic Pages)					DATE
	U						
	V						
	W						
	X						

U. S. Patent and Trademark Office  
PTO-892 (Rev. 9-95)

Notice of References Cited

Part of Paper No. 11

**ARIB 503862**

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